

WASHINGTON, DC - Congressman Robert C. "Bobby" Scott (D-VA-03) issued the following statement regarding his vote on the motion to recommit H.R. 3221, the Student Aid and Fiscal Responsibility Act:

"Yesterday, the Republican minority proposed a motion to recommit H.R. 3221, the Student Aid and Fiscal Responsibility Act to insert the 'Defund ACORN Act' into the underlying bill. Although the intentions of the Defund ACORN Act may have merit, I voted against the motion to recommit because I believe the act as written constituted a bill of attainder, which is expressly prohibited by Article I, Section 9 of the U.S. Constitution which states, "No bill of attainder or ex post facto Law shall be passed."

"The Supreme Court in *Cummings v. Missouri (1867)* defines a bill of attainder as 'a legislative act which inflicts punishment without a judicial trial.' The Court further expounded on the meaning of bills of attainder in *U.S. v. Lovett (1946)*

stating, 'Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial, are bills of attainder prohibited by the Constitution.' The Defund ACORN Act denies federal funds to any organization currently under federal indictment for certain crimes and any organization that employs a person indicted for these crimes. If this broad language had been the extent of the Act, ACORN could have been denied funds, and the Act would not have been a bill of attainder. However the bill went further by specifically naming ACORN as an organization to be punished under the Act, without any finding of fact. By these standards, I believe the Defund ACORN Act constitutes a bill of attainder, and Congress does not have the constitutional authority to pass such a bill.

"The Framers of the Constitution agreed that Congress should not have the power to single out any individual or group of individuals and punish them. While I agree with many that certain ACORN chapters have been recently exposed engaging in despicable behavior, I believe the prosecution of and punishment for any laws broken by ACORN is the duty of law enforcement and our judicial system. To have the U.S. House of Representatives circumvent that process, or to superimpose themselves into it for political purposes, is to undermine the constitutional freedoms afforded all Americans."

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